

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.Nos.18045, 18629 & 18982 of 2012

ORDER

Since the issue involved in all these writ petitions is one and the same, they are being disposed of by this common order.

Challenging the action of the respondents in not paying the revised compensation in respect of the houses of the petitioners situated at Gurramvaripally, Kandikatur Village, Karimnagar District, which were acquired for the purpose of construction of Mid Manair Reservoir, the present writ petitions were filed.

The writ petitions were filed based on a statement showing the valuation of houses at Gurramvaripally, Kandikatur Village, Karimnagar District, prepared by the Deputy Executive Engineer, I&CADD, Irrigation Sub-Division, Karimnagar, by showing the previous amounts of Rs.13,77,021/-, Rs.52,164/- & Rs.53,399/- and the revised amounts of Rs.18,27,075/-, Rs.1,12,586/- & Rs.2,01,318/- in respect of the houses bearing Nos.6-36 at Gurramvaripally, hamlet of Kandikatur Village, 6-56/2 & 6-56/1 at

Kandikatkur Village, Ellanthukunta Mandal, Karimnagar District, belonging to the petitioners.

A counter-affidavit is filed stating that the Executive Engineer, MMR Division No.4, Karimnagar, has sent a requisition for acquisition of agricultural land and abadi lands including structures/houses situated at Gurramvaripalli H/o Kandikatkur Village of Ellanthakunta Mandal coming under submergence of Mid Manair Reservoir. The draft notification and draft declaration were published in A.P.Gazette on 8.8.2007 and 9.8.2007. Though, initially, estimation was prepared for the entire village including the petitioners' houses, but the same was returned as per current SSR 2008-2009. The 4th respondent-Deputy Executive Engineer, re-submitted the estimates on 21.11.2008. The houses of the petitioners herein were valued at Rs.13,77,021/-, Rs.52,164/- & Rs.53,399/- respectively. However, on request of some of the villagers, the estimates were again sent to the 4th respondent for re-verification. In the revised estimates, the houses of the petitioners were valued at Rs.18,27,075/-, Rs.1,12,586/- & Rs.2,01,318/- respectively. But, on verification of the estimates and physical verification of the houses, the valuation of houses assessed by the Deputy Executive Engineer was on high side.

The Chief Engineer (Projects) Irrigation, Karimnagar, issued orders authorizing the Executive Engineer, Rekurthy, to certify the estimates and valuations of structures for making payment by the Land Acquisition Officer. Accordingly, estimates were sent to the Executive Engineer for certification and he certified the valuation of houses of the petitioners at Rs.13,77,021/-, Rs.52,164/- & Rs.53,399/-. Thereafter, Award enquiry was conducted with the interested persons of 102 houses including the petitioners' houses. The petitioners attended the Award enquiry and the petitioner in W.P.No.18629 of 2012 authorized his son Yasa Thirupathi to receive the compensation as he is suffering from ill-health. Accordingly, Yasa Thirupathi and the other petitioners signed on Form-III (Agreement) and Form-IV. Pursuant to the same, the Land Acquisition Officer passed an Award on 18.8.2009 fixing market value for the houses of the petitioners at Rs.13,77,021/-, Rs.52,164/- & Rs.53,399/- respectively and paid the compensation through cheques for the amounts of Rs.11,68,438/-, Rs.99,016/- & Rs.79,357/-. It is stated that the Award was passed in respect of petitioners' houses along with other houses based on certification made by the Executive Engineer, Division No.4, Rekurthy, Karimnagar and strictly adopting the valuation amount certified by the

Executive Engineer. Hence, the petitioners are not entitled to any additional compensation and the entire compensation amount has already been paid to the houses of the petitioners.

The 4th respondent also filed counter-affidavit, wherein it is stated that he is only concerned with preparation of the estimates and valuation. The certification and verification is done by the Executive Engineer Division No.4, Rekurthy of IFFC Circle-I and the same has been submitted to the 3rd respondent-Special Deputy Collector, Karimnagar, for passing of award and for payment of compensation to the affected persons coming under submergence of Mid Maneru Project and the Irrigation & CAD Department is not concerned with regard to payment of amounts.

It is clear from the above facts that the present writ petitions were filed based on the estimates prepared by the 4th respondent-Deputy Executive Engineer, I&CADD Irrigation, Sub-Division, Karimnagar, on 9.6.2009. But, it was found to be on high side. Hence, the estimates were returned for re-verification and certification of the Executive Engineer and counter-signature by another Executive Engineer. The Special Deputy Collector addressed a letter dated 14.8.2009 to the Executive Engineer, Division No.4, Rekurthy, for certification

of the estimates. Pursuant to the same, the Executive Engineer certified the valuation of estimates and fixed the value at Rs.13,77,021/-,Rs.52,164/- & Rs.53,399/- in respect of the houses of the petitioners. Thereafter, the petitioners and the son of the petitioner in W.P.No.18629 of 2012 executed the agreements and received the compensation through cheques for the amounts of Rs.11,68,438/-, Rs.99,016/- & Rs.79,357/-.

In view of the above facts, the reliefs sought for by the petitioners in the present writ petitions, which were filed based on the estimates prepared by the Executive Engineer at one point of time, but not certified by the competent authority after re-verification, cannot be granted.

Accordingly, the Writ Petitions are dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

7th December, 2016
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